

REMARKS

In the final Office Action, the Examiner rejects claims 38, 39, and 41-47 under 35 U.S.C. § 102(e) as anticipated by CRUICKSHANK (U.S. Patent No. 6,704,294); rejects claims 66, 67, and 69-71 under 35 U.S.C. § 103(a) as unpatentable over CRUICKSHANK in view of ARNOTT (U.S. Patent Application Publication No. 2002/0083462); rejects claim 40 under 35 U.S.C. § 103(a) as unpatentable over CRUICKSHANK in view of THOMPSON et al. (U.S. Patent Application Publication No. 2001/0056466); rejects claim 68 under 35 U.S.C. § 103(a) as unpatentable over CRUICKSHANK in view of ARNOTT and DIAMENT et al. (U.S. Patent Application No. 2002/0071539); and allows claims 48-50, 56, 57, 59-62, 64, and 65. Applicants appreciate the indication that claims 48-50, 56, 57, 59-62, 64, and 65 are allowed, but respectfully traverse the above rejections.¹ Claims 38-50, 56, 57, 59-62, and 64-71 remain pending.

Claims 38, 39, and 41-47 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by CRUICKSHANK. Applicants respectfully traverse this rejection.

A proper rejection under 35 U.S.C. § 102 requires that a reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. CRUICKSHANK does not disclose or suggest the combination of features in Applicants' claims 38, 39, and 41-47.

¹ As Applicants' remarks with respect to the Examiner's rejections overcome the rejections, Applicants' silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, reasons for modifying a reference and/or combining references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or that such requirements have been met, and Applicants reserve the right to dispute these assertions/requirements in the future.

For example, claim 38 recites a method of video conferencing that includes establishing a circuit-switched connection between a first party and a second party; retrieving, responsive to establishment of the circuit-switched connection, network addresses associated with each of the first and second parties from a remote database; and establishing, based on the retrieved network addresses, a packet-switched connection between the first party and the second party to transmit video. CRUICKSHANK does not disclose or suggest this combination of features.

For example, CRUICKSHANK does not disclose or suggest retrieving, responsive to establishment of a circuit-switched connection, network addresses associated with each of first and second parties from a remote database. The Examiner relies on reference 118 and column 3, line 66 – column 5, line 7 of CRUICKSHANK as allegedly disclosing this feature (final Office Action, pg. 2). Applicants respectfully disagree with the Examiner's interpretation of CRUICKSHANK.

Reference 118 of CRUICKSHANK illustrates a database used to obtain IP addresses of computers associated with a calling station and a called station when a person making a call has been connected to a collaboration facility (column 4, lines 18-22). This call connection to the collaboration facility is not a circuit-switched connection between a first party and a second party. Thus, CRUICKSHANK does not disclose or suggest retrieving, responsive to establishment of a circuit-switched connection between a first party and a second party, network addresses associated with each of first and second parties from a remote database, as recited in claim 38.

At column 3, line 66 – column 5, line 7, CRUICKSHANK generally discloses establishing a data connection via a private branch exchange (PBX). This section of

CRUICKSHANK discloses retrieving IP addresses of computers associated with a calling station and a called station when a person making a call has been connected to a collaboration facility of the PBX (column 3, line 66 – column 4, line 24). This section of CRUICKSHANK does not disclose or suggest retrieving, responsive to establishment of a circuit-switched connection between a first party and a second party, network addresses associated with each of first and second parties from a remote database, as recited in claim 38. Instead, CRUICKSHANK specifically discloses establishing a telephone link between two telephones after retrieving IP addresses of computers associated with a calling station and a called station (column 4, lines 33-36).

On page 8 of the final Office Action, the Examiner alleges that column 3, line 66 – column 4, line 10 of CRUICKSHANK discloses the above feature of claim 38 “because once PBX receives the telephone number of the recipient’s telephone number, the PBX would proceed to establish a call between the collaborators along with establishing data connection by retrieving IP addresses of the collaborators and using them to establish data connection using data network.” Applicants respectfully disagree with the Examiner.

At column 3, line 66 – column 4, line 36, CRUICKSHANK discloses pressing a “collaboration” button on a telephone and, after being connected to a collaboration facility, dialing an identification number of an intended recipient of a collaboration call (column 3, line 66 – column 4, line 4). An application in a PBX then receives and records the identification numbers of both the initiator of the collaboration call and the recipient of the collaboration call and uses these numbers to obtain the IP address of both the computer associated with the calling station and the computer associated with the

called station (column 4, lines 11-24). The application in the PBX next sends a message to the computer associated with the calling station instructing the computer to initiate a collaboration connection to the computer associated with the recipient IP address (column 4, lines 26-29). Finally, a telephone link is established between the telephone associated with the calling station and the telephone associated with the called station (column 4, lines 33-36). Therefore, CRUICKSHANK clearly discloses retrieving network addresses associated with each of the first and second parties before establishing a circuit-switched connection between a first party and a second party. Therefore, CRUICKSHANK does not disclose or suggest retrieving, responsive to establishment of a circuit-switched connection, network addresses associated with each of the first and second parties from a remote database, as recited in claim 38.

The Examiner further states that “once telephone call is initiated, all this process such as establishment of telephone connection, retrieving network addresses and remote databases to set up internet connection in Cruickshank happens at electronic speed” (final Office Action, pg. 9). Regardless of the validity of the Examiner’s statement, as noted above, Applicants submit that CRUICKSHANK specifically discloses retrieving network addresses associated with each of the first and second parties before establishing a circuit-switched connection between a first party and a second party. Therefore, regardless of the speed which the network addresses are retrieved and a circuit-switched connection is established, the network addresses are retrieved before the circuit-switched connection is established. Therefore, CRUICKSHANK does not disclose or suggest retrieving, responsive to establishment of a circuit-switched connection, network

addresses associated with each of the first and second parties from a remote database, as recited in claim 38.

For at least the foregoing reasons, Applicants submit that claim 38 is not anticipated by CRUICKSHANK.

Claims 39 and 41-47 depend from claim 38. Therefore, claims 39 and 41-47 are not anticipated by CRUICKSHANK for at least the reasons given above with respect to claim 38.

Claims 66, 67, and 69-71 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over CRUICKSHANK in view of ARNOTT. Applicants respectfully traverse this rejection.

Claim 66 recites features similar to, yet possibly of different scope than, features recited above with respect to claim 1. Without acquiescing in the Examiner's rejection of claim 66, Applicants submit that the disclosure of ARNOTT does not remedy the deficiencies in the disclosure of CRUICKSHANK set forth above with respect to claim 1. Therefore, claim 66 is patentable over CRUICKSHANK and ARNOTT, whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given above with respect to claim 1.

Claims 67 and 69-71 depend from claim 66. Therefore these claims are patentable over CRUICKSHANK and ARNOTT, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 66.

Claim 40 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over CRUICKSHANK in view of THOMPSON et al. Applicants respectfully traverse this rejection.

Claim 40 depends from claim 38. Without acquiescing in the Examiner's rejection of claim 40, Applicants submit that the disclosure of THOMPSON et al. does not remedy the deficiencies in the disclosure of CRUICKSHANK set forth above with respect to claim 38. Therefore, claim 40 is patentable over CRUICKSHANK and THOMPSON et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 38.

Claim 68 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over CRUICKSHANK in view of ARNOTT and DIAMENT et al. Applicants respectfully traverse this rejection.

Claim 68 depends from claim 66. Without acquiescing in the Examiner's rejection of claim 68, Applicants submit that disclosure of DIAMENT et al. does not remedy the deficiencies in the disclosures of CRUICKSHANK and ARNOTT set forth above with respect to claim 66. Therefore, claim 68 is patentable over CRUICKSHANK, ARNOTT, and DIAMENT et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 66.

In view of the foregoing remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise which could be eliminated through discussions with Applicants' representative, then the Examiner is invited to contact the undersigned by telephone to expedite prosecution of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: September 22, 2008

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